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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/716,103	11/18/2003	Mamoru Watanabe	S004-5149	6115

7590 01/10/2006

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New York, NY 10004

EXAMINER
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HINZE, LEO T

ART UNIT	PAPER NUMBER
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2854

DATE MAILED: 01/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

<b>Office Action Summary</b>	<b>Application No.</b> 10/716,103	<b>Applicant(s)</b> WATANABE ET AL.	
	<b>Examiner</b> Leo T. Hinze	<b>Art Unit</b> 2854	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

#### Status

- 1) ☒ Responsive to communication(s) filed on 31 October 2005.  
2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

#### Disposition of Claims

- 4) ☒ Claim(s) 1-25 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☒ Claim(s) 1-12, 24 and 25 is/are allowed.  
6) ☒ Claim(s) 13-21 is/are rejected.  
7) ☒ Claim(s) 22 and 23 is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

#### Application Papers

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 19 November 2003 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

#### Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All b) ☐ Some \* c) ☒ None of:  
1. ☒ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

#### Attachment(s)

- |   |   |
|---|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)                        | 4) <input type="checkbox"/> Interview Summary (PTO-413)                     |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)    | Paper No(s)/Mail Date. _____  |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| Paper No(s)/Mail Date _____   | 6) <input checked="" type="checkbox"/> Other: _____                         |

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## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 13-21 are rejected under 35 U.S.C. 102(b) as being anticipated by applicant's admission, as published as Watanabe et al., US 2004/0130970 A1 (Watanabe).

a. Regarding claim 13, applicant's admission teaches a calendar timepiece comprising: a main plate (902, Fig. 24); a time indicator mounted on the main plate for undergoing rotational movement to indicate time information ("timepiece", p. 1, ¶. 5, generally indicates a time indicator); a date indicator (920, Fig. 24) mounted for undergoing rotation to indicate date information, the date indicator having an inner teeth portion (920a, Fig. 24) comprised of a plurality of teeth; a date indicator driving wheel (906, Fig. 24) mounted on the main plate for undergoing rotation; a date indicator driving finger (930, Fig. 24) integral with the date indicator driving wheel for rotation therewith for rotationally driving the date indicator; and a date jumper (940, Fig. 24) disposed on the main plate and having a train wheel (906, Fig. 24) comprised of a date indicator setting portion (942, Fig. 24) for controlling rotation of the date indicator by engagement with the inner teeth portion of the date indicator, the date indicator setting portion having a first setting portion for contacting a tip of a first tooth of the inner teeth portion of the date indicator, a second setting portion, and a third setting portion for contacting a tip of a

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second tooth of the inner teeth portion of the date indicator, each of the first, second, and third setting portions having a generally linear surface disposed at an angle relative to one another.

Examiner's Figure 1, taken from Fig. 29 of the applicant's admission, shows the three portions of date indicator setting portion 942, each of the three portions being disposed at an angle relative to one another.

The examiner is reasonably interpreting "portion" to mean an often limited part abstracted from a whole.

- b. Regarding claim 14, applicant's admission also teaches wherein the inner teeth portion of the date indicator comprises thirty-one teeth ("includes 31 pieces of trapezoidal teeth, p. 1, ¶. 17).
- c. Regarding claim 15, applicant's admission also teaches wherein each tooth of the inner teeth portion of the date indicator is generally triangular-shaped. The teeth on portion 920a look generally like triangles with their tops cut off.
- d. Regarding claim 16, applicant's admission also teaches wherein the tip of each of the first tooth and the second tooth of the inner teeth portion of the date indicator has a portion shaped in the form of a circular arc (teeth in Fig. 29 appear to have rounded corners); and wherein the first setting portion and the third setting portion are positioned for contacting the circular arc-shaped portion of the tip of the respective one of the first and second tooth (in Fig. 29, first setting portions and third setting portions appear to touch first and second teeth, respectively).
- e. Regarding claim 17, applicant's admission also teaches wherein the spring portion (932, Fig. 29) of the date indicator driving finger is shaped in the form of a circular arc (p. 1, ¶. 15).

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- f. Regarding claim 18, applicant's admission also teaches each tooth of the inner teeth portion of the date indicator has a portion shaped in the form of a circular arc (teeth in Fig. 29 appear to have rounded corners).
- g. Regarding claim 19, applicant's admission also teaches wherein the a date indicator driving finger has a central portion (931, Fig. 29) integral with the date indicator driving wheel, a spring portion (932, Fig. 29) extending from the central portion, and a date indicator feeding portion (933, Fig. 29) disposed at a front end of the spring portion for rotating the date indicator.
- h. Regarding claim 20, applicant's admission also teaches wherein the spring portion (932, Fig. 29) of the date indicator driving finger is shaped in the form of a circular arc (p. 1, ¶. 15).
- i. Regarding claim 21, applicant's admission also teaches wherein the tip of each of the first tooth and the second tooth of the inner teeth portion of the date indicator has a portion shaped in the form of a circular arc (teeth in Fig. 29 appear to have rounded corners) with which the first setting portion and the third setting portion are respectively brought into contact when the date indicator setting portion controls the rotation of the date indicator (in Fig. 29, first setting portions and third setting portions appear to touch first and second teeth, respectively).

### ***Response to Arguments***

- 3. Applicant's arguments filed 31 October 2005, with respect to claims 1-4, 9, 10 and 12 have been fully considered and are persuasive. The rejection of claims 1-4, 9, 10 and 12 has been withdrawn.

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4. Applicant's arguments filed 31 October 2005 with respect to claims 13-21 have been fully considered but they are not persuasive. The examiner has set forth his reasons for rejection of claims 13-21 above.
  - a. Regarding applicant's argument on p. 22 that APD has all of the structure recited in amended claim 13 except for the structure and function of the date jumper, APD does have all of the structure recited in amended claim 13, including the structure and function of the date jumper.
  - b. Regarding applicant's argument on p. 23 that APD shows a jumper spring with only two portions, given a reasonable interpretation, "portion" means an often limited part abstracted from a whole. Figs. 13, 14 and 18 do show three setting portions 742a, 742b and 742c, but APD also teaches three "portions" as discussed in the rejection of claim 13 above and as shown in Examiner's Figure 1. When portioned as shown in Examiner's Figure 1, the jumper in APD Fig. 29 appears to show three "generally linear" portions.

*Allowable Subject Matter*

5. Claims 1-12, 24 and 25 are allowed.
6. Claims 22 and 23 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.
7. The following is a statement of reasons for the indication of allowable subject matter:
  - a. Regarding claims 1 and 22, the prior art of record does not teach or render obvious a calendar timepiece having all of the structure and functionality as claimed. The applicant's admission appears to teach everything claimed except for the relationships between the angles T1, T2 and T3 and the date

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indicator teeth and the setting portion, wherein (T1-T3) is less than (T3-T2) and (T3-T2) is less than T2.

b. Regarding claims 22 and 24, the prior art of record does not teach or render obvious a calendar timepiece having all of the structure and functionality as claimed. The applicant's admission appears to teach everything claimed except for the angular relationship between three portions of the setting portion of the date indicator setting portion of the date jumper, wherein the first setting portion and the second setting portion are disposed at an angle in the range of 115 degrees through 160 degrees, and the second setting portion and the third setting portion are disposed at an angle in the range of 120 degrees through 170 degrees. Ferenczy, US 5,384,755 appears to teach a jumper spring with a date indicator setting portion having the structural limitations claimed, however, aside from the innate curiosity of a person having ordinary skill in the art to try different combinations of known elements, no teaching, suggestion, or motivation for combining Ferenczy with the applicant's admission appears to exist in the nature of the problem to be solved, the teachings of the prior art, and the knowledge of persons of ordinary skill in the art.

### *Conclusion*

8. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

9. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the

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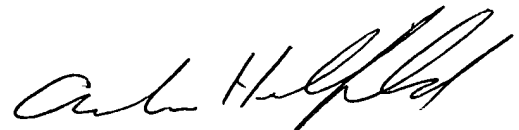
mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Leo T. Hinze whose telephone number is (571) 272-2167. The examiner can normally be reached on M-F 8:00-4:30.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Andrew Hirshfeld can be reached on (571) 272-2168. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

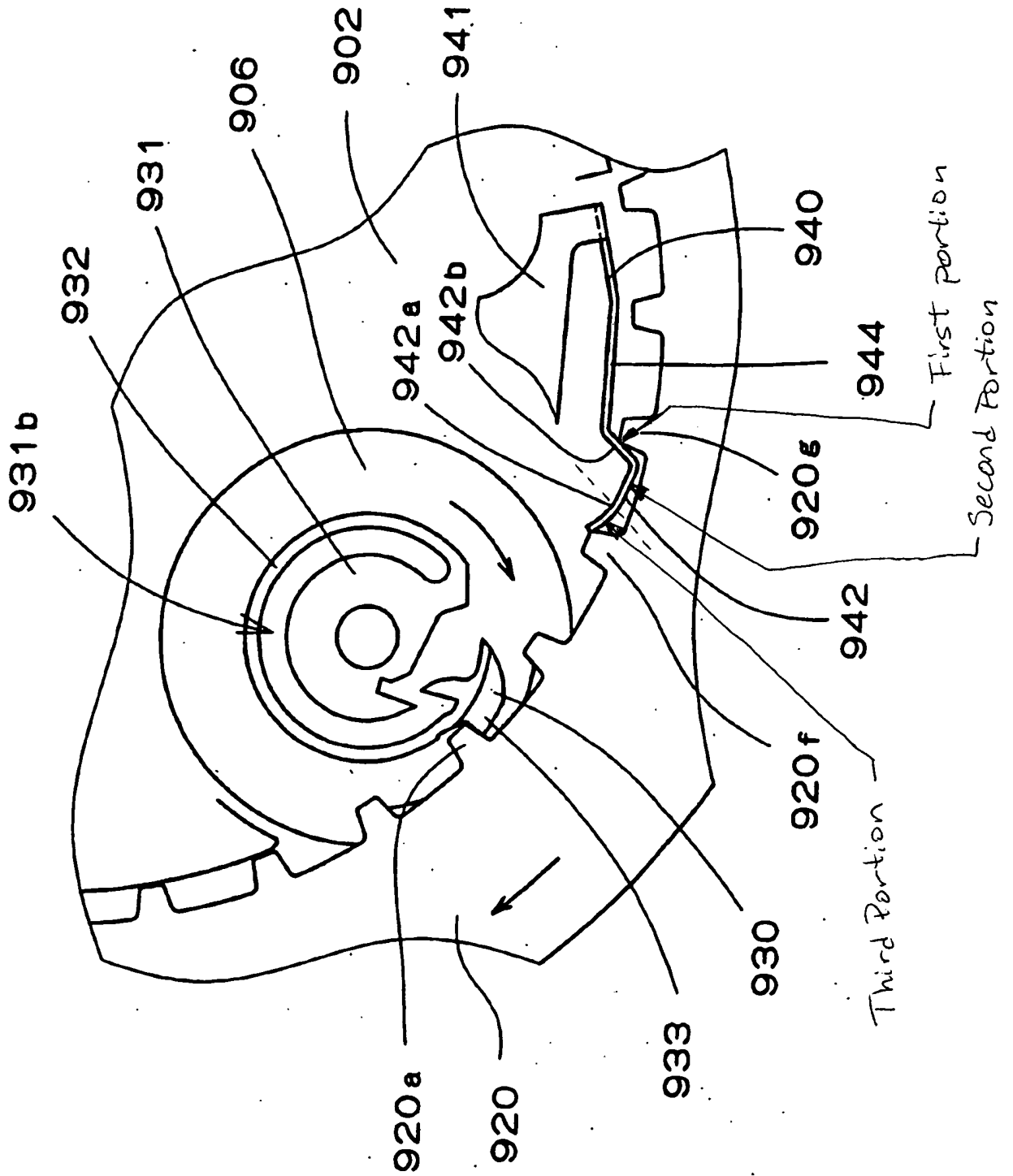
Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Leo T. Hinze  
Patent Examiner  
AU 2854  
30 December 2005



**ANDREW H. HIRSHFELD**  
**SUPERVISORY PATENT EXAMINER**  
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Examiner's Figure 1